

AGENDA

MALVERN CITY COUNCIL

Tuesday, October 12, 2021

Streamed live, 6:30 PM

I. CALL MEETING TO ORDER

II. INVOCATION

III. ROLL CALL

IV. APPROVE MINUTES OF THE PREVIOUS MEETING

A. Regular Meeting – September 13, 2021

V. DEPARTMENT REPORTS

- A. Finance Report
- B. Street Department Report
- C. Police Report
- D. Fire/CEO Report
- E. Animal Control Report
- F. LifeNet Report
- G. Water Works Report

VI. OLD BUSINESS

A. Second reading – Ordinance Levying City Taxes for 2022

VII. NEW BUSINESS

- A. Approve One Year Extension of Contract with Republic Services
- B. Approve Extension of Water Service - Grigsby Ford Road

VIII. MAYOR REPORTS

IX. ADJOURNMENT

MINUTES OF THE MALVERN CITY COUNCIL
Tuesday, October 12, 2021
Streamed From the City Hall
6:30 P.M.

The Malvern City Council met for its regular monthly meeting on Tuesday, October 12, 2021, at 6:30 p.m. via Microsoft Teams and advertised as required by law, due to the Covid-19 Pandemic of 2020. The meeting was available for viewing live on YouTube. The opportunities for attending the meeting had been advertised on the City's website (with link provided), the City's Facebook page, and in the Malvern Daily Record.

Mayor Brenda Weldon called the meeting to order. Council Member Mary Fraction led the invocation and pledge of allegiance. Answering the roll call were Council members Mary Fraction, William Wilson, Lynn Davis, Wayne Reynolds, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft.

A motion was made by Council Member Lynn Davis, seconded by Council Member Peggy Lusinger to approve the minutes of the regular meeting held on September 13, 2021. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, motion carried, and the minutes of the previous meeting were adopted.

A motion was made by Council Member Mary Fraction, seconded by Council Member Matthew Keenan, to accept the Departmental Reports as posted. Alderman Cross asked Water Works Manager David Coston about the ratio of water sold to water produced as noted on the monthly water report, and Coston noted that was a good thing. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, the reports were accepted.

Under old business, Council Member Fraction introduced the ordinance levying city taxes for the year 2022 for its second reading by title only. The ordinance was read by the City Attorney for its second reading by title only. The ordinance will be heard for its third and final reading at the November 2021 City Council meeting.


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Under new business, a motion was made by Alderman Cross, seconded by Council Member Lusinger to grant a one-year extension to Republic Services for providing the city's residential garbage collection. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, the motion carried, and the contract was extended for one year.

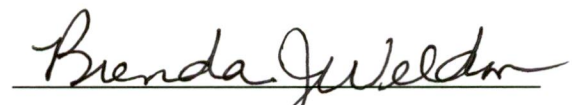

A motion was made by Alderman Keenan, seconded by Council Member Lusinger to approve the extension of water service to a customer on Grigsby Ford Road. All proper paperwork has been signed, and there will be no additional cost to the city. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles. All voting for, motion carried, and the extension was approved.

Mayor Weldon thanked the everyone for their support during the illness and passing of her husband. She stated that she has been in and out for the past few weeks but had returned to the office today. She told the Council that next week the final coat of overlay will begin on the street project, the police station project has begun, and the fire station is progressing. She told the Council that she will start meeting next week with Department Heads on their 2022 budgets and should have a proposed budget for the Council to look at by the November meeting.

There being no further business, and upon a motion by Alderman Keenan, seconded by Alderman Stiles, the meeting was adjourned.



Phyllis Dial, City Clerk/Treasurer



Brenda J. Weldon, Mayor



September 7, 2021

Phyllis Dial
City Clerk
City of Malvern
305 Locust
Malvern, AR 72104

Dear Phyllis:

Please accept this letter as BFI Waste Services, LLC/Republic Services of Little Rock's notice of rate increase for the solid waste collection and disposal.

Based on the Board's approval on the extension of the contract, and our leaving the rate the same for the 2017-2018 term, the increase will be 3% for the upcoming contract term, November 1, 2021 through October 31, 2022. The current rate of \$11.87 per unit will increase to \$12.23 per unit, on the anniversary date of November 1, 2021. The 3% franchise fee and taxes are based off this number and remain in effect.

We appreciate the opportunity to be a partner with the City of Malvern and the confidence it has placed in our company. We will try to set a date soon to bring lunch to the staff.

Sincerely,

Gerry Burke
Manager, Municipal Services

Cc: Kate Logan, General Manager, Republic Services

**BILL OF ASSURANCES AND
PETITION FOR ONE-TIME EXCEPTION**

KNOW ALL MEN BY THESE PRESENTS;

THAT WHEREAS, [REDACTED] the sole owners of the following lands lying in the County of Hot Spring, State of Arkansas, hereinafter called "Property" to-wit:

Physical Address: [REDACTED]

See Exhibit "A" attached hereto and incorporated by reference as if stated word for word herein.

Malvern, Ar 72104

RECITALS

WHEREAS, Owner desires to receive water and/or sewer service from the City of Malvern (City) to Owner's property located outside the City limits which may not be contiguous to the existing City limits.

WHEREAS, the City is not required to extend water or sewer service to the Owner because the property is outside the present corporate boundaries of the City, and

WHEREAS, the City has established a formal policy to support quality growth in the future as expressed in Resolution No. 540, adopted 1-11-99, which, in part, permits the extension of water and/or sewer service outside the City limits under certain limited circumstances, and

WHEREAS, the extension of water and/or sewer service outside the City limits requires at a minimum the payment of a special rate for these services, and may, at the City's option, require an agreement that the Owner petition to annex its property to the City at a time deemed appropriate by the City, and

WHEREAS, Owner recognizes the enhanced benefits his land will receive by having City water and/or sewer service, and

WHEREAS, Owner now desires to freely bind himself and all future owners of the property by agreeing to voluntarily petition the City for annexation at such future time as the City deems appropriate thereby waiving any right for the Owner to avail himself of the referendum voting procedure for annexation as provided by Arkansas law.

NOW, THEREFORE, the Owner, for and in consideration of the City benefits which accrue to it, its successors and assigns, which benefit is acknowledged to be of value, hereby covenants with the City of Malvern, Arkansas as follows:

1. Owner acknowledges that a future annexation of the appraised property to the City of Malvern is a benefit inuring to the Owner and all future Owners of said property as evidenced by the receipt of City services, particularly water and/or sewer service. The Owner further acknowledges that the City has no obligation to provide water or sewer

service to non-resident consumers and chooses not to extend them except under certain limited circumstances which further the City's annexation growth plan as evidenced in Resolution No. 540. Therefore, Owner binds himself and any successors and assigns to voluntarily sign any petition for annexation when requested to do so by the City of Malvern.

2. This agreement to petition to annex is a covenant running with the land and it will remain in full force and effect until property is annexed or until it is released by a Resolution of the City of Malvern City Council.

Executed this 24 day of Aug, 2021.

Owner,

Owner,

ACKNOWLEDGMENT

State of Arkansas

County of Hot Spring

On this day, personally appeared before me, [REDACTED], known to me to be the persons whose names are subscribed to the instrument within and acknowledged that they executed the same for the purposes therein contained.

Witness my hand and official seal this 24th day of Sept., 2021.

Frances Darlene Shockey
Notary Public

My Commission Expires: 6-28-2023

